

THE KELLY FIRM, P.C.

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In re:

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEW JERSEY,

v.

WILLIAM H. OLIVER, JR., ESQ.

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

Bankruptcy Case No.: 19-00111 (CMG)

Honorable Christine M. Gravelle

Hearing Date: September 29, 2021
12:00 p.m.

**CERTIFICATION OF WILLIAM H. OLIVER, JR., ESQ. IN RESONSE TO THE
MOTION FOR FURTHER SANCTIONS**

I, **WILLIAM H. OLIVER, JR., ESQ.**, certify as follows:

1. On January 16, 2020, the Court entered an Order for Sanction against me for misconduct under Federal Rule of Bankruptcy Procedure 9011.

2. On March 11, 2021, the Court entered a Revised Order Imposing Further Sanctions (the "Order") in the amount of \$50,000.00 payable as follows: a.) \$10,000.00 payable by January 29, 2021; b.) \$5,000.00 per month beginning April 1, 2021, and on the first of each month of the next seven (7) months until the sanction is paid in full.

3. In addition, the Order also requires me to submit various documents to the Trustee for certain cases that were closed after January 1, 2020, including:

- a. A disclosure of fees earned or received in connection to or related to the case for the period of one (1) year prior to the date of filing of the Petition to the date of closing, order of dismissal or conversion;
- b. Copies of all retainer agreements related to the services in the bankruptcy case including the retainer agreement for the Chapter 13 case and the loan modification retainer agreement;
- c. 2016(b) Form Disclosures and any amendments thereto;
- d. Copy of the client ledger account card showing deposits/ receipts for fees; and
- e. Copies of checks or proof of form of payment of fees;

4. On July 20, 2021, the Chapter 13 Standing Trustee, Albert Russo, Esq. (the “Trustee”) filed a Motion Requesting Further Sanctions (the “Motion”).

5. The Motion submits that I have violated the Order by failing to make certain sanctions payments, and that I have not provided the above-listed documents.

6. Since the Motion was filed the outstanding sanctions payments have been brought current, and there are only two payments remaining. These payments will be paid when due. See Docket generally.

7. With regard to the alleged failure to provide the above-listed documents, my office has provided documents for 52 of 90 cases, and I will continue to provide documents at a minimum rate of three cases per week until all 90 cases have been supplied, or as otherwise instructed by the Court.

8. There have been no incidences of nondisclosure of fees since the January 16, 2020 Order was entered, nor have any been alleged by the Trustee.

9. Furthermore, since the inception of this miscellaneous proceeding, my staff has received substantial instruction regarding the ECF Rules from myself, my associate Mr. Legg, and Judge Lyons, who came to our office and met with each member of staff individually and explained to them the solemnity of client signatures on pleadings submitted to the Court.

10. All documents are now signed with wet signatures that are scanned and retained.

11. While I am open to incorporating further measures to ensure compliance with all court rules, including the use of checklists and the drafting of office manuals, I am confident the message has been made clear to myself, as well as my staff, and that no infractions will occur going forward.

12. Therefore, I respectfully request the Court's patience as my office continues to work to provide the outstanding documents and pray it will forego the imposition of further sanctions at this time.

I hereby certify that the information contained in this Certification is true and correct to the best of my knowledge, information, and belief. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

/s/ William Oliver
WILLIAM H. OLIVER, JR., ESQ.

Dated: September 22, 2021